



Docket No.: 80250(302741)  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Hiroyuki Tsuda

Application No.: 10/573,888

Confirmation No.: 9923

Filed: November 13, 2006

Art Unit: 2883

For: OPTICAL FUNCTIONAL WAVEGUIDE,  
OPTICAL MODULATOR, ARRAYED  
WAVEGUIDE GRATING, AND  
DISPERSION COMPENSATION CIRCUIT

Examiner: H. Q. Lam

**RESPONSE TO FINAL ACTION UNDER 37 C.F.R. 1.116**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

**REQUEST FOR RECONSIDERATION**

In response to the FINAL Office Action dated November 24, 2010, Applicants respectfully request reconsideration of the 35 U.S.C. §103(a) rejection of claims 1, 3-5, 9 and 11 as unpatentable over Clapp et al. in view of Kamei et al., as well as the 35 U.S.C. §103(a) rejection of claims 6-7 as unpatentable over Clapp et al., Kamei et al. and Kurokawa et al..

The Examiner has urged that the heater strips 19 of Clapp et al. are provided along the optical path for controlling temperature of the filling material in groove structure 18, which results in a change/control of the refractive index of the material on the groove structures 18 and "subsequently a divergence angle or a propagating direction of the propagating light." In other words, the Examiner is asserting that the effect of the heater on the divergence angle or propagating direction of the propagating light is inherent.